

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MELISSA TIBURCIO,

Plaintiff,

- against -

COMMISSIONER OF SOCIAL SECURITY,

Defendant.
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 1/21/2020

18 Civ. 7384 (RWL)

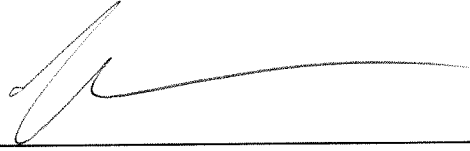
ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

Pursuant to 42 U.S.C. 406(b), Plaintiff's counsel has applied for an award of attorneys' fees following successfully obtaining previously denied social security benefits for his client. The benefits obtained exceeded \$62,000. The maximum permissible recovery – 25% of that amount (which is also the amount contracted for between attorney and client in their retainer agreement) – is over \$15,000. Counsel previously received \$6,000 in connection with his work for the client at the agency level. Counsel now requests attorneys' fees in the amount of \$5,500, well below the 25% maximum (even when added to the \$6,000 previously received), but well in excess of the attorney's "lodestar" fee. Given that the amount sought is well below the 25% maximum and amount contracted for, and that counsel proceeded on contingency – which necessarily needs to account for cases that do not succeed – the Court finds the requested amount reasonable. Accordingly, Plaintiff's counsel is awarded \$5,500 in attorneys' fees. Upon receipt of that sum, Plaintiff's counsel shall remit to Plaintiff the previous fees received under the Equal Access to Justice Act in the amount of \$775.50.

The Clerk is respectfully requested to terminate the motion at Dkt. 19.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', written over a horizontal line.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: January 21, 2020
New York, New York

Copies transmitted this date to all counsel of record.